

Decision No. 26067.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
EAST BAY MOTOR COACH LINES, LTD., a
corporation, for an in lieu certifi-
cate of public convenience and
necessity.

ORIGINAL

Application No. 18684

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

East Bay Motor Coach Lines, Ltd. on May 27, 1933, filed its supplemental application asking for a certificate of public convenience and necessity to extend and reroute automotive passenger bus service on its No. 64 (San Jose Avenue) Line and its No. 66 (8th Street-5th Avenue) Line in the City of Oakland and the City of Alameda, Alameda County, California, as hereinafter described.

In Application No. 18915, East Bay Street Railways Ltd., on May 27, 1933, applied for authority to abandon its street car lines upon and along a portion of the routes herein proposed to install automotive passenger bus service.

It appears that the communities will be better served by the proposed bus service than by the existing street car service, due to the fact that the routes will be extended to contact the existing bus service on Hopkins Street, Oakland, and that the patrons in the vicinity of 8th Avenue, Oakland, will have a direct service into the business district of Oakland without necessity of transferring.

It appears that this is not a matter in which a public hearing is necessary and that the supplemental application should be granted.

East Bay Motor Coach Lines, Ltd. is hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their permissive aspect they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

THE RAILROAD COMMISSION OF THE STATE OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the extension and rerouting by East Bay Motor Coach Lines, Ltd. of its No. 64 (San Jose Avenue) Line and its No. 66 (8th Street-5th Avenue) Line in the City of Oakland and the City of Alameda, County of Alameda, California, as described in Decision No. 25710, dated March 7, 1933, in the above entitled proceeding. The entire route of said extended and rerouted lines is shown on the maps (Exhibits "A" and "B") attached to the supplemental application and described as follows:

"Coach Route, No. 64 -- San Jose Avenue Line.

From the intersection of Ardley Avenue and Hopkins Street, along Ardley Avenue to 23rd Avenue, along 23rd Avenue, all in the City of Oakland, to the Park Street Bridge; across the Park Street Bridge into the City of Alameda and there operating as follows: along Park Street to San Jose Avenue, along San Jose Avenue to Paru Street, Paru Street to Santa Clara Avenue, Santa Clara Avenue to Grand Street, Grand Street to San Jose Avenue, and returning to the point of commencement via the same route.

"Coach Route, No. 66 -- 8th Street (5th Avenue)
Line.

From the intersection of 13th Avenue and Hopkins Street, along 13th Avenue to East 28th Street, East 28th Street to 11th Avenue, 11th Avenue to East 24th Street, East 24th Street to 8th Avenue, 8th Avenue to Foothill Blvd. (East 16th Street), Foothill Blvd. to 5th Avenue, 5th Avenue to East 8th Street, East 8th Street (8th Street) to Washington Street, Washington Street to 11th Street, 11th Street to Broadway, Broadway to 8th Street and return to the point of beginning via the same route, all within the City of Oakland."

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for said service be and the same is hereby granted to East Bay Motor Coach Lines, Ltd. subject to the following conditions:

1. Applicant shall file its written acceptance of the certificate herein granted within a period not to exceed fifteen (15) days from the date hereof.
2. Applicant shall file, in triplicate, and make effective, within a period not to exceed thirty (30) days from the date hereof, a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules now in force on routes of East Bay Street Railways, Ltd. proposed to be abandoned in Application No. 18915.
3. Applicant shall file, in duplicate, and make effective within a period not exceeding thirty (30) days from the date hereof, time schedules covering the service herein authorized, in a form satisfactory to the Railroad Commission.
4. Applicant shall commence operation of said service concurrently with the abandonment of street car service by East Bay Street Railways, Ltd. as proposed in Application No. 18915.
5. Applicant is authorized to turn its motor vehicles around at the termini of either or both of the routes herein described, or at points where schedules may terminate along said routes, by operating such motor vehicles in either direction around the block at the termini of said routes, or at points where schedules may be terminated along said routes, and to carry passengers thereon and thereover, provided, however, that such turn-around route

shall not encompass more than one square city block, or the equivalent of one square city block, at such termini as traffic regulations of the municipality may require.

6. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
7. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Railroad Commission.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 12th day of June, 1933.

C. Cleary
Leon Whidell
M. H. Curran
M. B. Harvis
W. B. ...
Commissioners.